



City of El Paso – City Plan Commission Staff Report

Case No: SUAX13-00001
Application Type: Annexation and Service Plan
CPC Hearing Date: January 8, 2015
Staff Planner: Nelson Ortiz, 212-1606, Ortiznx@elpasotexas.gov

Location: West of Zaragoza and North of Pebble Hills
Legal Description: Portion of Tract 1D, Section 39, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso County, Texas
Acreage: .0599 acre
Rep District: Adjacent to District 5
Existing Use: Vacant
Existing Zoning: ETJ
Proposed Zoning: R-F (Ranch and Farm)

Property Owner: City of El Paso and River Oaks Properties, Ltd.
Applicant: City of El Paso
Representative: Conde, Inc.

Distance to Park: Across from Tierra Del Este #27 Park
Distance to School: Roberto Ituarte Elementary and Raphael Hernando Middle (.75 mi.)

SURROUNDING ZONING AND LAND USE

North: N/A / East ETJ / Vacant
South: N/A / East ETJ / Industrial storage yard
East: N/A / East ETJ / Vacant
West: R-5 / Park / Residential Development

THE PLAN FOR EL PASO DESIGNATION: G4 Suburban (Walkable)

General Information:

The applicant is requesting annexation of land within the City of El Paso's Extra Territorial Jurisdiction (ETJ) and approval of a service plan in conjunction with the Annexation Agreement. Under the terms of the approved agreement, the subject property is proposed to be zoned R-F (Ranch and Farm) at the time of annexation.

The annexation is being requested to accommodate roadway improvements for the future extension of Pebble Hills Boulevard.

Neighborhood Input:

Notice of the public hearings were mailed to all property owners within 300 feet of this proposed annexation and published in the El Paso Times in accordance with the Texas Local Government Code. Planning staff did not receive any phone calls in support or opposition to this request.

DCC Recommendation:

The Development Coordinating Committee recommends **approval** and provides the following comments:

Planning and Inspections Department - Planning Division:

Planning has no objection to the annexation request. The Service Plan shall be approved with the ordinance approving the annexation in accordance with the Texas Local Government Code 43.056. Planning recommends **approval** of this request.

El Paso Water Utilities:

The EPWU does not object to this request.

Sun Metro:

Sun Metro does not oppose this request. Recommends coordination with Sun Metro Planning Staff to determine if site has potential for bus stop placement. If it is determined site is a candidate for a bus stop, additional coordination requested to discuss necessary infrastructure construction.

County of El Paso:

The County has no comments or objections with the proposed annexations related to the extension of Pebble Hills west of Zaragoza.

El Paso Police Department:

No comments received.

Planning and Inspections Department - Land Development

No comments received.

Department of Transportation:

No comments received.

Fire Department:

No comments received.

Parks and Recreation Department:

No comments received.

Environmental Services:

No comments received.

Attachments

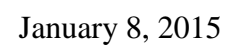
Attachment 1: Location Map

Attachment 2: Aerial

Attachment 3: Survey

Attachment 4: Service Plan

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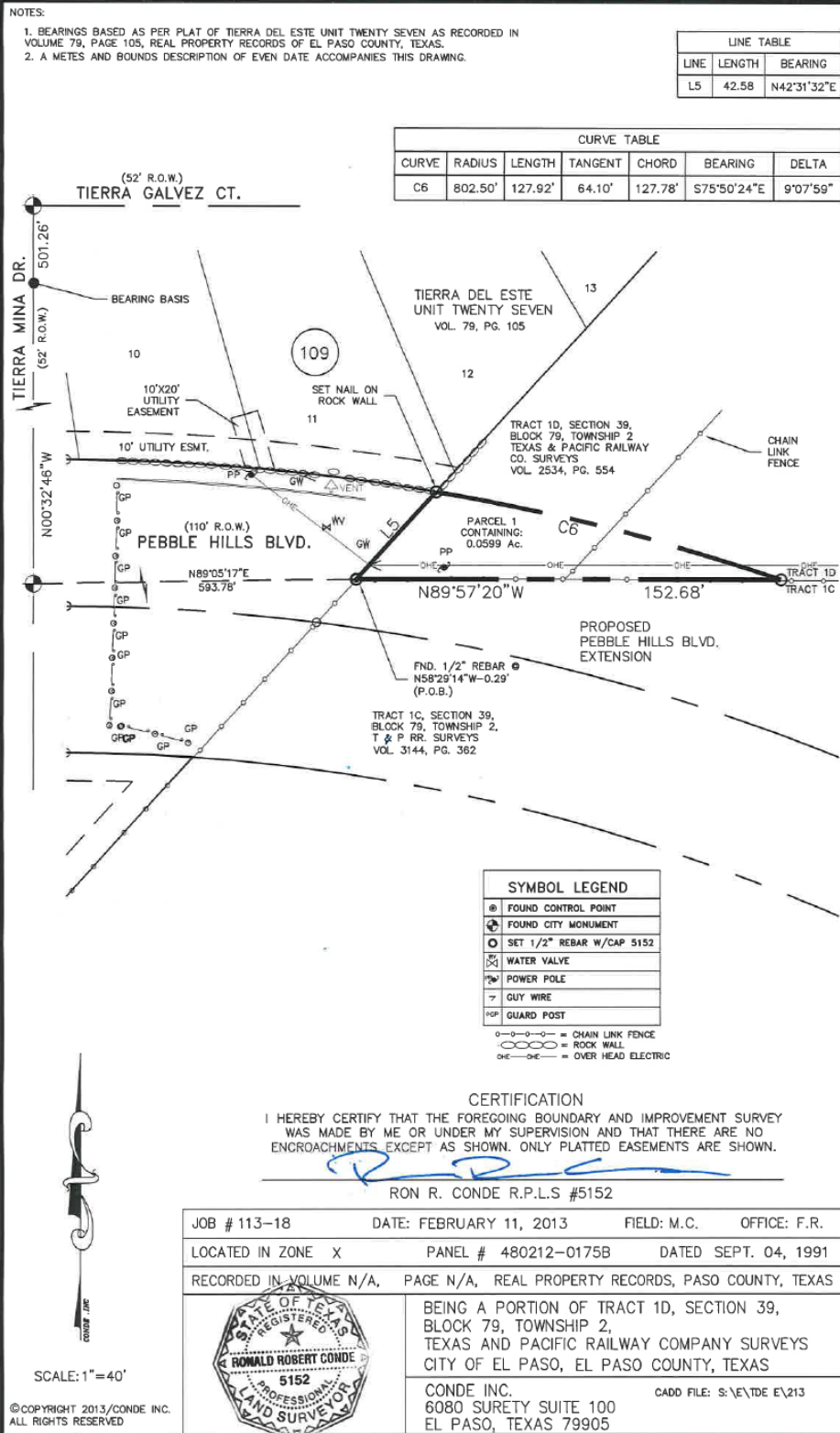


Attachment 2: Aerial

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Attachment 3: Survey



Attachment 4: Service Plan

EXHIBIT "D"

CITY OF EL PASO ANNEXATION SERVICE PLAN

INTRODUCTION

This Service Plan (Plan) is made by the City of El Paso, Texas (City) pursuant to Chapter 43 Municipal Annexation of the Texas Local Government Code. This Plan is made specifically for a 0.0599-acre property located in the City's East Extraterritorial Jurisdiction (ETJ), being a portion of Tract 1D, Section 39, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas. The area is more specifically described by metes and bounds in Exhibit "A" and the survey Exhibit "B", which are attached to the annexation ordinance of which this Plan is a part.

EFFECTIVE TERM

This Plan shall be in effect for a ten-year period commencing on the effective date of the annexation, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council, which refers to this Plan and specifically renews this Plan for a stated period of time.

INTENT

It is the intent of the City of El Paso that services under this Plan shall provide full municipal services in accordance with State law and the Compromise and Settlement Agreement entered into by the previous property owners and the City, such agreement being identified as Exhibit "E" and is attached to the annexation ordinance.

The City reserves the right guaranteed to it by Section 43.056(k) Texas Local Government Code, to amend this Plan if the City Council determines that changed conditions or subsequent occurrence or any other legally sufficient circumstances exist under the Local Government Code, or other Texas laws to make this Plan unworkable or obsolete or unlawful.

SERVICE COMPONENTS

This Plan includes three service components: (1) Immediate Services Program, (2) Additional Services, and (3) a Capital Improvement Program.

As used in this Plan, providing services includes having services provided by any method or means by which the City extends municipal services to any other area of the City. This may include causing or allowing private utilities; governmental entities and other public service organizations to provide such services by contract, in whole or in part. It may also include separate agreements with associations or similar entities.

1. Immediate Services Program

The following services will be provided in the annexation area immediately upon the effective date of the annexation, unless otherwise noted.

- a. Police Protection. The El Paso Police Department will provide protection and law enforcement services in the annexation area on the effective date of annexation. These services include:

- normal patrols and responses;
 - handling of complaints and incident reports;
 - special units, such as, traffic enforcement, criminal investigations, narcotics, gang suppressions, and special weapons and tactics team.
- b. Fire Protection. The El Paso Fire Department will provide emergency medical services and fire protection services in the annexation area, on the effective date of annexation. These services include:
- fire suppression and rescue;
 - emergency medical services;
 - hazardous materials mitigation and regulation;
 - emergency prevention and public education efforts;
 - construction plan review;
 - inspections.
- c. Solid Waste Collection. No solid waste collection services will be available within the annexation area except for the following:
- dead animal collection - dead animals are removed from roadways upon request.
- d. Maintenance of Water and Wastewater Facilities. The City's Public Service Board/El Paso Water Utilities (EPWU) will maintain water and wastewater facilities in the annexed area that are not within the service area of another water or wastewater utility and as governed by their Rules and Regulations. The subject property is not located within the City of El Paso Impact Fee area.
- e. Maintenance of Roads and Streets, Including Street Lighting. The City of El Paso will maintain public streets over which the City has jurisdiction. These services include:
- emergency pavement repair;
 - ice and snow monitoring of major thoroughfares
 - maintenance of public streets on as-needed basis and in accordance with established policies of the City.
- f. Maintenance of Parks, Playgrounds, and Swimming Pools. No public recreation facilities will be located within the annexation area however, the nearest public neighborhood park is located within 2,359 feet of the annexed area.

2. Additional Services

Certain services, in addition to the above services, will be provided within the annexation area. They are as follows:

- a. Drainage Services. El Paso Water Utilities/ Public Service Board will provide drainage maintenance in the annexation area in accordance with established policies of the City. Services include:
- maintenance of existing public ponding areas and retention dams;
 - storm sewer maintenance;
 - emergency spills and pollution complaints response related to storm drainage systems;

The following services will be provided by the City Development's Land Development Division:

- watershed development review and inspection;
 - flood plain office (information relating to flood plains).
- b. Public Library Department. No library facilities will be located within the annexation area however, the nearest public library is located 2,359 feet from the annexed area.
- c. Inspection Services. The City of El Paso will provide inspection services including building, electrical, plumbing, gas, engineering, housing and environmental. These inspections services will be provided as necessary to the annexation area.
- d. Department of Public Health. All of the Public Health services codes and regulations will be extended to the annexed area on the effective date of annexation
- e. Planning and Zoning. All land annexed shall be classified in the R-F zoning district, unless the applicant submits a rezoning application which will be subject to a public hearing by the City Plan Commission on the appropriate zoning classification and action by the City Council.
- f. Other Services. The City will provide all other services not specifically listed above, in the annexed area according to established City policies and procedures.

3. Capital Improvements Program

The City will initiate the construction of capital improvements necessary for providing municipal services for the annexation area as necessary. Any such construction or acquisition shall begin within two and a half (2 ½) years of the effective date of the annexation and shall be substantially completed within four and half (4 ½) years after that date. Construction of any capital improvement within the annexation area will be done in accordance with the established policies of the City.

- a. Police Protection. No capital improvements are necessary to serve the annexed area.
- b. Fire Protection. No capital improvements are necessary to serve the annexed area.
- c. Solid Waste Collection. No capital improvements are necessary to serve the annexed area.
- d. Water and Wastewater Facilities. Water and wastewater service will be provided in accordance with the El Paso Water Utility's Rules and Regulations. Capital improvements will be initiated pursuant to the facilities plan for the annexed area. Water and Wastewater services to new subdivisions will be provided according to the standard policies and procedures of the El Paso Water Utilities, which may require the developer of a new subdivision to install water and wastewater utility lines. The extension of water and sewer service will be provided in accordance with the adopted Rules and Regulations of the El Paso Water Utilities.

- e. Roads and Streets. Road or street related capital improvements will be built once the annexation is finalized. In general, the City will acquire control and jurisdiction of all public roads and public streets within the annexation area upon annexation. Future extensions of roads or streets and future installation of related facilities, such as traffic control devices, will be governed by the City's standard policies and procedures.
- f. Parks, Playgrounds and Swimming Pools. No capital improvements are necessary to serve the annexed area.
- g. Drainage Facilities. No capital improvements are necessary to serve the annexed area
- h. Street Lighting. The developer will install public street lighting in accordance with the City's standard policies and procedures.
- i. Other Publicly Owned Facilities, Building or Services: In general, other City functions and services, and the additional services described above can be provided for the annexation area by using existing capital improvements. Additional capital improvements are not necessary to provide City services.
- j. Capital Improvement Planning. The annexation area will be included with other territory in connection with planning for new or expanded facilities, functions, and services in accordance with established policies of the City.

AMENDMENT: GOVERNING LAW

This Plan may not be amended or repealed except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes. This Plan is subject to and shall be interpreted in accordance with the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and the orders, rules regulations of governmental bodies and officers having jurisdiction.

FORCE MAJEURE

In case of an emergency, such as force majeure as that term is defined in this Plan, in which the City is forced to temporarily divert its personnel and resources away from the annexation area for humanitarian purposes or protection of the general public, the City obligates itself to take all reasonable measures to restore services to the annexation area of the level described in this Plan as soon as possible. Force Majeure shall include, but not be limited to, acts of God, acts of the public enemy, war, blockages, insurrection, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrest and restraint of government, explosions, collisions, and other inability of the City, whether similar to those enumerated or otherwise, which is not within the control of the City. Unavailability or shortage of funds shall not constitute Force Majeure.